The displaced persons claims and other laws (Repeal Bill) **2004**

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI S. REGUPATHY): Sir, I move:

That the Bill to repeal the Displaced Persons Claims Act, *980* and certain other enactments, be taken into consideration.

The question was put and the motion was adopted.

THE VICE-CHAIRMAN (SHRI FALI S. NARIMAN): We shall now take up clause-by-clause consideration of the Bill.

Clause 2 and the Schedule were added to the Bill.

Clause 1 (Short title)

SHRI S. REGUPATHY: Sir, I move:

That at page 1, line 4, *for* the figure "2004"

the figure "2005" be *substituted.*

The question was put and the motion was adopted.

Clause 1, as amended, was added to the Bill.

Enacting Formula

SHRI S. REGUPATHY: Sir, I move:

That at page 1, line 1, *for* the word "Fifty-fifth",

the word "Fifty-sixth" be *substituted.*

The question was proposed.

THE VICE-CHAIRMAN (SHRI FALI S. NARIMAN): You may also encapsulate in a very short form why you want this law repealed.

SHRI S. REGUPATHY: Mr. Vice-Chairman, Sir, as the hon. Members are aware, we have moved the Bill to repeal the five Acts, namely, the Displaced Persons (Claims) Act, 1950. The Displaced Persons (Claims) Supplementary Act, 1954, the Displaced Persons (Compensation and Rehabilitation) Act, 1954, the Administration of Evacuee Property Act, 1950 and the Evacuee Interest (Separation) Act, 1951, and the rules

framed there under. The purpose of this Bill is to repeal these Acts since they have outlived their utility, and also to put an end to their misuse.

The Department-related Parliamentary Standing Committee on Home Affairs examined this Bill and presented its Report in this House on 27th July, 2005. The Committee has adopted this Bill after it was clearly \ discussed, and they have recommended that the Bill be passed in its present form. And, I request the House to pass this Bill.

The question was put and the motion was adopted. The Enacting Formula, as amended, was added to the Bill.

The Title was added to the Bill

SHRI S. REGUPATHY: Sir, I move:

That the Bill, as amended, be passed.

The question was put and the motion was adopted.

PROF. SAIF-UD-DIN SOZ (Jammu and Kashmir): Sir, I want to seek a clarification.

THE VICE-CHAIRMAN (SHRI FALI S. NARIMAN): Prof. Soz, this is not the stage.

PROF. SAIF-UD-DIN SOZ: Sir, I will take just half-a-minute Sir, I know that the Bill is now not available for examination. My understanding is that all authority is transferred to the State Governments. But the Union Government must retain some authority to intervene.

THE VICE-CHAIRMAN (SHRI FALI S. NARIMAN): Prof. Soz, you should have given your name earlier.

PROF. SAIF-UD-DIN SOZ: Sir, this is a very important subject. Sir, this is my understanding. I don't know what the Minister has to say in this respect.

SHRI S. REGUPATHY: It is 57 years old. Most of the claims have been settled in the '60s and the 70s. *(Interruptions)*

THE VICE-CHAIRMAN (SHRI FALI S. NARIMAN): I am afraid, Prof. Soz., you will have to ask him outside.

We will now take up the Immigration (Carriers' Liability) Amendment Bill, 2005. If anybody wants to speak, please give you names now.

THE IMMIGRATION (CARRIERS' LIABILITY) AMENDMENT BILL, 2005

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI S. REGUPATHY): Sir, I move:

That the Bill to amend the Immigration (Carriers' Liability) Act, 2000, be taken into consideration.

Sir, the Act places on carriers' the liability in respect of foreigners brought by them in contravention of the Passport (Entry into India) Act, 1920 and the Rules made thereunder. The necessary of the new legislation was felt because a large number of passengers at the major international airports were found to be coming without valid travel documents, creating problems for immigration authorities. It was observed that carriers, airlines, etc. did not exercise proper checks of travel documents before allowing passengers to board planes in places outside India. It was, therefore, considered necessary to place statutory responsibility on carriers, airlines, etc. bringing passengers not in possession of valid travel documents by imposing financial liability on them to the tune of one lakh of rupees per passenger brought by them without any valid travel documents, for which five exemptions have been given in respect of those who come without any valid travel documents.

One is where the passenger had arrived on a flight or a ship which, following departure, had been diverted to India for reasons beyond the control of the carriers. An6ther is where a foreigner has been exempted from the requirement of passport or visa by the Central Government. The third one is where the passengers are stowaways and the carrier is ready to take its passengers back. The fourth one is where a group of foreign tourists, consisting of four or more persons sponsored by recognised Indian travel agencies, arrive without visa, being authorised on collective visa, that is, permit issued to the whole group. The fifth one is where foreigners hold diplomatic or official passport and are exempt from the requirements of the visa. For these reasons, this amendment has been brought forward.